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In re Application of	:	
Vallee et al.	:	
Application No.: 10/510,306	:	DECISION
PCT No.: PCT/FR03/01075	:	
Int. Filing Date: 04 April 2003	:	ON
Priority Date: 05 April 2002	:	
Attorney Docket No.: REGIM 3.3-038	:	PETITION
For: Real-Time Navigational Aid	:	
System For Radiography	:	

This is in response to the renewed petition to revive under 37 CFR 1.137(b) filed on 08 May 2007.

DISCUSSION

In a decision mailed on 02 April 2007, the petition to revive under 37 CFR 1.137(b) filed on 12 March 2007 was dismissed without prejudice because

Regarding **requirement (1)**, the "required reply" is the reply required by the Form PCT/DO/EO/905 mailed on 18 May 2005. The \$65.00 surcharge under 37 CFR 1.492(h) is being charged to counsel's Deposit Account No. 12-1095, per the general fee authorization filed on 05 October 2004. However, inspection of the declaration documents filed on 12 March 2007 reveals that the copy signed by Mr. Sabbah appears to have been assembled by attaching a faxed signature page to the remaining sheets of the document (it is noted that the signed sheet bears an "Allstate Perfect Image" watermark, and appears to have been printed from a scan, whereas the remaining sheets do not). Applicants' attention is drawn to MPEP 201.03, which explains in part that

While each inventor need not execute the same declaration, each oath or declaration executed must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

Since petitioner has not presented a complete copy of the declaration document as signed by Mr. Sabbah, it is not clear what facts he subscribed to when he executed the document. As it would not be appropriate to accept the declaration as filed on 12 March 2007, requirement (1) has not been satisfied.

In response, petitioner explains that the executed declaration was transmitted to counsel as a PDF document, and that "different suppliers' paper is used in the undersigned's office, and that it is likely that two different brands were in the machine when the Declaration was printed

out.” In view of petitioner’s explanation, it would be appropriate to accept the declaration filed on 12 March 2007. As such, all of the requirements of 37 CFR 1.137(b) have been satisfied.

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

Petitioner’s Deposit Account 12-1095 was charged for a duplicate \$750.00 petition fee on 08 May 2007. This fee was unnecessary, and it is being refunded to said Deposit Account.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **12 March 2007**.



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